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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/800,580

03/15/2004

Kenji Inoue

KIN99USA

1657

270 7590 10/31/2008

HOWSON AND HOWSON  
SUITE 210  
501 OFFICE CENTER DRIVE  
FT WASHINGTON, PA 19034

EXAMINER

COLE, ELIZABETH M

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

10/31/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/800,580	<b>Applicant(s)</b> INOUE, KENJI	
	<b>Examiner</b> Elizabeth M. Cole	<b>Art Unit</b> 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |



1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/2/08 has been entered.
2. Applicant's arguments regarding the 112 1<sup>st</sup> paragraph rejection are persuasive and therefore that rejection is withdrawn.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hagfors et al, U.S. Patent Application Publication 2002/0137416. Hagfors discloses a transfer belt comprising a fiber batt layer 3 which is impregnated with a polymer matrix. The polymer matrix may consist of polyurethane. Paragraph 0016 The fiber batt layer may be formed from cellulose, viscose, polyamides, (i.e. nylon), and animal fibers, among others, (paragraph 0014). The impregnated fiber batt layer is abraded to expose the fibers. See paragraph 0012. With regard to the newly added limitations that substantially all of the exposed fibers are hydrophilic, example 2 of Hagfors describes an embodiment wherein the fibers differ in their dtex but both are polyamide fibers, (i.e., hydrophilic fibers). With regard to the limitation that the fibers are "capable of holding an amount of water from a wet paper web in contact with the wet paper web side surface of the transfer belt sufficient to attach the wet paper web to the transfer belt for

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transfer of the wet paper web from the press part to a next stage in the papermaking machine", this limitation is a statement of intended use. The structure of Hagfors is the same as the claimed structure and is capable of performing this intended use.

5. Applicant's arguments filed 9/2/08 have been fully considered but they are not persuasive. Applicant argues that Hagfors does not anticipate the claimed invention because the disclosure of Hagfors is ambivalent and that it is likely that example 2 of Hagfors is mistaken since it includes only PA fibers but does not disclose the dtex of the third group of PA fibers. However, Hagfors teaches that the fibers can differ in various ways, such as denier, abrasion resistance, cross-sectional shape, etc., See paragraphs 0008 and 0015. The abstract of Hagfors states that "The fibers in the fiber batt layer may differ from one another with regard to their polarity, hydrophilicity, electric charge, surface energy, friction properties, degree of fineness or porosity." Therefore, Hagfors does not require that the fibers of the batt layer differ in that one is hydrophilic and one is hydrophobic.

6. Further, with regard to example 2, Hagfors states that "the surface has a micro-roughness provided by hydrophilic PA areas of various sizes and varying roughness, with polycarbonate urethane used as the matrix". This statement does not state that there are different types of polymer used, but instead states that only polyamide (PA) fibers are used but that those fibers differ in size and roughness. Paragraph 0015 teaches that using fibers of different roughness is another way of having a differential in terms of how well the web attaches to it, in that the web detaches from the rough portions more easily. Therefore, Hagfors is not limited to those embodiments which

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disclose the use of fibers which are hydrophilic and fibers which are hydrophobic, but instead clearly teaches that all hydrophilic fibers can be used, when the fibers differ in a parameter such as roughness or size.

7. The Declaration under 37 CFR 1.132 filed 9/2/08 is insufficient to overcome the rejection of claims 1 and 5 based upon Hagfors as set forth in the last Office action because: The Declaration states that in the opinion of the Declarant that the disclosure of Hagfors is vague because while example 2 only employs hydrophilic fibers, other portions of the reference refer to the use of hydrophobic and hydrophilic fibers and that therefore the person of ordinary skill in the art would have concluded that Hagfors example 2 is in error. However, as noted above, Hagfors example 2 not only refers to only using polyamide (hydrophilic fibers), but also discusses the resulting material as only having exposed PA fibers, which differ in size and roughness. Further, as noted above, the abstract states clearly that the fibers of the batt can differ in terms of polarity, hydrophilicity, electric charge, surface energy, friction properties, degree of fineness or porosity.

8. Therefore, based on the totality of the record, the rejection is maintained.

9. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued

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examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571) 272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

The examiner's supervisor Rena Dye may be reached at (571) 272-3186.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (571) 273-8300.

/Elizabeth M. Cole/  
Primary Examiner, Art Unit 1794

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